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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,676	12/20/2006	Andre Besner	1032256-000032	9218

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BUCHANAN, INGERSOLL & ROONEY PC
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EXAMINER

WALTERS JR, ROBERT S

ART UNIT	PAPER NUMBER
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1792

NOTIFICATION DATE	DELIVERY MODE
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10/13/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Response to Arguments

Claims 25-33, 35 and 38-45 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Besner et al. (U.S. Pat. No. 6063883) in view of Miettinen et al. (U.S. Pat. No. 3663261) and Kelso (U.S. Pat. No. 4303705).

Claim 46 is also rejected under 35 U.S.C. 103(a) as being unpatentable over Besner et al. (U.S. Pat. No. 6063883) in view of Miettinen et al. (U.S. Pat. No. 3663261) and Kelso (U.S. Pat. No. 4303705).

The applicant argues that one of ordinary skill in the art at the time of the invention would not have had sufficient reason to modify Besner with Miettinen. The examiner disagrees as Besner teaches crosslinking of polyethylene glycol diacrylate and Miettinen teaches utilizing their polymerization conditions on acrylate functional monomers to effect their polymerization (column 3, lines 4-25). Furthermore, Miettinen provides strong motivation to attempt these polymerization conditions on other systems, by noting that the reaction does not require expensive chemical catalysts, can be more reliably controlled, and there are no residual catalyst impurities left in the wooden elements after polymerization (column 4, lines 42-54). Therefore, the examiner contends it would have been obvious to one of ordinary skill in the art at the time of the invention to apply Miettinen's reaction conditions to Besner's acrylate-functional system.

The applicant further argues that Miettinen's radiation is a polymerization initiator, which applicant appears to equate to a thermo-initiator. The examiner contends that one of ordinary skill in the art at the time of the invention would interpret a thermo-initiator as is claimed to be a

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chemical compound which converts applied heat energy into the formation of radicals that can then help to initiate or activate a polymerization reaction. Therefore, a thermo-initiator would not be interpreted to be equivalent to a polymerization initiator. The examiner agrees that Miettinen's radiation is essential for initiating the polymerization reaction, but the examiner argues that this radiation is a polymerization initiator and not a thermo-initiator, and therefore Miettinen's system does not have any thermo-initiators present.

The applicant further argues that none of the references of record teach or suggest a cooling step. The examiner agrees that none of the references of record teach a cooling step. However, the examiner maintains that it would have been obvious to one of ordinary skill in the art at the time of the invention to include a cooling step for the claimed time range, as this would prevent the polymerization of the polymerizable solution upon contact with the wooden elements and prior to impregnation into the wood, as outlined in the previous office action.

Finally, the applicant argues that none of the references disclose or suggest the crosslinkable polyethylene glycol of claims 38 and 39. The examiner disagrees with this contention as Besner teaches the use of a crosslinkable polyethylene glycol as is claimed (see Besner at column 6, lines 48-52).

Conclusion

Claims 25-33, 35 and 38-46 are pending.

Claims 25-33, 35 and 38-46 are rejected.

No claim is allowed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT S. WALTERS JR whose telephone number is (571)270-5351. The examiner can normally be reached on Monday-Friday, 8:00am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/
Supervisory Patent Examiner, Art Unit
1792

/ROBERT S. WALTERS JR/
October 7, 2009
Examiner, Art Unit 1792